

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9686 OF 2024

Tahseen Mohd. Nazim Ansari Petitioners

V/s.

The Presiding Officer of the Senior Citizen Respondents
Tribunal & Anr.

Mr.Naushad Ahmed, for the Petitioners.

CORAM : R.M. JOSHI, J.

DATE : 22nd AUGUST 2024

P.C:-

. This petition is filed against the order dated 31st January 2024 passed by the Competent Authority under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. Section 16 provides for the Appeal against such order before the Tribunal.

2. The learned counsel for the Petitioner submits that, an Appeal was sought to be presented before the Appellate Tribunal, however, the same is not entertained nor even accepted by the said authority. In view of the judgment of the Division

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Bench of this Court in the case of *Jagdish Pitamber Pawar V/s. Pitamber Pundalik Pawar*¹, not only the senior citizen but also the aggrieved party has right to prefer Appeal under Section 16 of the Act. In view of this, Petition is allowed to be withdrawn, with liberty to file Appeal against impugned order.

3. The learned counsel for the Petitioner submits that, the memo of Appeal shall be present before the Appellate Authority within a period of two weeks. He seeks injunction of the implementation of the impugned order for the period of four weeks. In the interest of justice, and without going into the merits of the case, order dated 31st January 2024 is stayed for the period of four weeks from today.

4. The Petition is disposed of as withdrawn.

5. All pending Civil and Interim Applications are disposed of.

(R.M. JOSHI, J.)

¹ Writ Petition No.36 of 2023 decided on 29/11/2023